IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Bail Appl..No. 362 of 2007(S)

AGAINST THEORDER IN BA.7408/2006
CMP.4552/2006 of J.M.F.C.-III,NEYYATTINKARA

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: PETITIONER/ACCUSED

SUGATHAN, S/O.MRITHUNJAYA PANICKAR,
ALUVILA VEEDU, KATTACHALKUZHI, VENGANOOR,
DESOM, VENGANOOR VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.S.D.ASOKAN

RESPONDENTS: COMPLAINANTS

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE EXCISE INSPECTOR, THIRUVANANTHAPURAM
EXCISE RANGE, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.362 OF 2007

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DATED THIS THE 23rd DAY OF JANUARY, 2007

O R D E R

Petitioner who is the accused in Cr.No.56/06 of Thiruvananthapuram Excise Range for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of one litre of arrack on 24.11.2006 and who was arrested on the same day, seeks his enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in three other crimes, he fairly conceded that no final report has been filed even after 60 days of detention of the petitioner. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-III, Neyyattinkara and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn